

Message Text

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ORIGIN SS-15

INFO OCT-01 ISO-00 ARA-10 L-03 SCA-01 OES-07 EB-07
SSO-00 INR-07 VO-03 SIL-01 INRE-00 /055 R

DRAFTED BY C:JKGORDON:HC

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ARA/MEX - HLANE

D - LPASCOE(INFO)

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L, SCA, OES, EB

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O 150050Z JUL 77

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E.O. 11652: N/A

TAGS: PFOR, MX

SUBJECT: MEMORANDUM FROM FONSEC ROEL MEETING

BELOW IS TEXT OF MEMORANDUM GIVEN TO FONSEC ROEL AT HIS
REQUEST, FOLLOWING HIS JULY 12 MEETING WITH THE SECRETARY.

QUOTE:

MEMORANDUM CONCERNING UNITED STATES-MEXICAN COOPERATION
WITH RESPECT TO UNDOCUMENTED ALIEN ISSUE

ON JULY 12, 1977, FOREIGN SECRETARY SANTIAGO ROEL OF
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MEXICO AND SECRETARY OF STATE CYRUS VANCE DISCUSSED VARIOUS
QUESTIONS CONCERNING UNDOCUMENTED ALIEN WORKERS IN THE
UNITED STATES. THIS MEETING WAS A PART OF THE CONSULTATIVE
MECHANISM CONSTITUTED BY PRESIDENTS CARTER AND LOPEZ-
PORTILLO, AND FOLLOWED CONSULTATIONS IN MEXICO CITY BY
REPRESENTATIVES OF THE UNITED STATES WITH RESPECT TO
ELEMENTS OF A CONTEMPLATED UNITED STATES PROGRAM TO DEAL

WITH THE UNDOCUMENTED ALIEN ISSUE.

THE PROPOSED UNITED STATES POLICY WILL RECOGNIZE THE IMPORTANCE OF OUR FRIENDLY RELATIONS WITH MEXICO; THE DESIRE OF THE PRESIDENT OF MEXICO TO ADDRESS THE ECONOMIC PROBLEMS

OF MEXICO WHICH LEAD TO EMIGRATION AND TO OTHERWISE COOPERATE; THE POSITIVE CONTRIBUTIONS MEXICAN AMERICAN CITIZENS MAKE; OUR AYPATHY FOR THE POOR WORKER IN THIS COUNTRY WHO DESIRES A BETTER LIFE; AND COOPERATIVE EFFORTS TO ASSIST THE MEXICAN ECONOMY.

THE ELEMENTS OF THE PROPOSED UNITED STATES POLICY IN THIS AREA NOW UNDER CONSIDERATION INCLUDE THE FOLLOWING:

1. INCREASED ENFORCEMENT OF FEDERAL LABOR LAWS TO ENSURE FULLER PROTECTION TO ALL WORKERS IN THE UNITED STATES.
2. POTENTIAL EXTENSION OF CIVIL RIGHTS LAWS TO GIVE FULLER PROTECTION TO PERMANENT ALIEN RESIDENTS AND INCREASED ENFORCEMENT FOR HISPANIC AMERICANS.
3. CIVIL FINES AND INJUNCTIONS AGAINST EMPLOYERS WHO HIRE UNDOCUMENTED ALIENS WITH ENFORCEMENT TARGETED ONLY AGAINST THOSE WHO DO SO AS A REGULAR PRACTICE, ON A LIMITED OFFICIAL USE

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"PATTERN OR PRACTICE" BASIS.

4. CRIMINAL PENALTIES AGAINST THOSE WHO KNOWINGLY ORGANIZE THE SMUGGLING OF UNDOCUMENTED ALIENS AND WHO BROKER JOBS FOR UNDOCUMENTED ALIENS. WE WOULD HOPE TO WORK COOPERATIVELY WITH THE GOVERNMENT OF MEXICO TO IMPEDE THE WORK OF SUCH SMUGGLING RINGS ON BOTH SIDES OF THE BORDER.

5. IMPROVED BORDER ENFORCEMENT PRACTICES INCLUDING ADDITIONAL PERSONNEL ASSIGNED TO BORDER AREAS AND OTHER PORTS OF ENTRY.

6. INCREASED LEGAL IMMIGRATION QUOTAS FOR CANADA AND MEXICO AND INCREASED CONSULAR RESOURCES TO REDUCE BACKLOG OF VISA APPLICATIONS.

7. PROPOSALS TO CONGRESS FOR ADJUSTMENT OF STATUS FOR UNDOCUMENTED ALIENS TO PERMIT THOSE WHO HAVE BEEN PRESENT CONTINUOUSLY IN THE UNITED STATES SINCE JANUARY 1, 1970 TO APPLY FOR PERMANENT RESIDENT ALIEN STATUS; UNDOCUMENTED ALIENS IN THE UNITED STATES PRIOR TO JANUARY 1, 1977

MIGHT BECOME APPLICABLE FOR A NEW NON-DEPARTABLE STATUS WHICH WOULD REGULARIZE FOR A LIMITED PERIOD (PERHAPS 5 YEARS) THEIR STATUS, ALTHOUGH NOT CARRYING WITH IT CERTAIN CIVIL BENEFITS AND FAMILY IMMIGRATION PREFERENCES. THIS PORTION OF THE POLICY REMAINS UNDECIDED.

8. THE U.S. WILL CONTINUE THE CURRENT H-2 VISA

PROGRAM. PRESENTLY, ALIENS ARE ALLOWED TO ENTER THE U.S. AND WORK LEGALLY UNDER H-2 VISAS WHEN IT IS ESTABLISHED THAT DOMESTIC WORKERS ARE NOT AVAILABLE FOR PARTICULAR JOBS. WHEN A REQUEST FOR FOREIGN WORKERS IS MADE BY AN EMPLOYER, THE LABOR DEPARTMENT DETERMINES WHETHER THERE IS A SHORTAGE OF DOMESTIC WORKERS AND WHETHER THE LIMITED OFFICIAL USE

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ADMITTANCE OF FOREIGN WORKERS WOULD HAVE AN ADVERSE EFFECT ON DOMESTIC EMPLOYMENT OPPORTUNITIES. THE LABOR DEPARTMENT MAKES THEIR RECOMMENDATION TO THE IMMIGRATION AND NATURALIZATION SERVICE. THE IMMIGRATION AND NATURALIZATION SERVICE THEN DECIDES WHETHER TO ISSUE THE VISA. (IN 1976, APPROXIMATELY 50,800 WORK CERTIFICATES WERE ISSUED: 25,600 TO PERMANENT IMMIGRANTS, 10,000 TO TEMPORARY WORKERS IN NON-AGRICULTURAL INDUSTRIES, AND 15,200 TO TEMPORARY AGRICULTURAL WORKERS. ALMOST ALL OF THE PERSONS LEGALLY ADMITTED IN 1976 WERE MEXICANS.)

9. COOPERATIVE EFFORTS BETWEEN THE UNITED STATES AND MEXICO, THROUGH THE ECONOMIC WORKING GROUP AND THE SOCIAL WORKING GROUP TO ADDRESS THE UNDERLYING ECONOMIC AND SOCIAL CAUSES OF MIGRATION AND CONTINUED COOPERATION AND JOINT ACTIVITIES TO DEAL EFFECTIVELY OVER THE LONG-TERM WITH THESE MATTERS.

THE POLICY WILL MENTION THE EXPLORATION OF QUADRI-PARTITE ARRANGEMENTS BETWEEN THE UNITED STATES AND OTHER GOVERNMENTS, BUSINESS COMMUNITIES AND LABOR GROUPS; THE EXPLORATION OF WAYS TO STIMULATE LABOR INTENSIVE PROJECTS IN SENDING COUNTRIES; AND THE EXPLORATION OF INCREASED TRADE WITH MEXICO AND OTHER SENDING COUNTRIES.

A SIGNIFICANT PART OF THE PROPOSED PACKAGE IS LEGISLATIVE IN NATURE AND MUST THEREFORE BE PASSED BY CONGRESS BEFORE GOING INTO EFFECT. THERE IS NO INDICATION AT THIS TIME HOW CONGRESS WILL RECEIVE THESE PROPOSALS; IT IS POSSIBLE THAT EXTENSIVE CHANGES COULD BE MADE. IT DOES SEEM CLEAR THAT NO CONGRESSIONAL ACTION IS LIKELY THIS YEAR.

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IN THE COURSE OF DISCUSSIONS BETWEEN SECRETARY VANCE AND FOREIGN SECRETARY ROEL, THE FOLLOWING ADDITIONAL MATTERS WERE EMPHASIZED:

IT WAS UNDERSTOOD THAT THE UNITED STATES GOVERNMENT'S PROPOSALS IN THIS AREA WOULD BE PRESENTED AS ONE ELEMENT IN A COMPREHENSIVE APPROACH TO THE PROBLEM WHICH TAKES ACCOUNT OF THE BASIC UNDERLYING FACTORS, THE IMPORTANCE OF FRIENDLY AND COOPERATIVE RELATIONS WITH MEXICO AND OTHER AFFECTED COUNTRIES, AND THE HUMANITARIAN AND CIVIL

LIBERTIES CONCERNS OF BOTH THE UNITED STATES GOVERNMENT AND THE MEXICAN GOVERNMENT WITH RESPECT TO THE PEOPLE INVOLVED. IT WAS SUGGESTED THAT THE UNITED STATES AND MEXICO COOPERATE IN SEEKING TO DETERMINE THE ACTUAL NUMBER OF UNDOCUMENTED ALIENS TO BETTER ADDRESS THE PROBLEM IN THE FUTURE. IT WAS NOTED THAT SUCH A SURVEY MIGHT BE DONE BOTH THROUGH MEXICAN SOURCES AND BY ENCOURAGING REGISTRATION IN THE UNITED STATES AFTER AN ADJUSTMENT-OF-STATUS PROVISION SUCH AS THE ONE OUTLINED ABOVE WAS IN PLACE.

FOREIGN SECRETARY ROEL EXPRESSED HIS GOVERNMENT'S CONTINUING CONCERN ABOUT ELEMENTS OF THE UNITED STATES GOVERNMENT'S PROPOSED PROGRAM THAT AFFECTS MEXICAN CITIZENS AND UNITED STATES-MEXICAN RELATIONS. SECRETARY VANCE EXPRESSED THE SINCERE DESIRE OF THE UNITED STATES GOVERNMENT TO MAINTAIN THE CLOSE AND WARM RELATIONSHIP INITIATED BY PRESIDENTS CARTER AND LOPEZ PORTILLO, AND AGREED THAT CLOSE CONSULTATION WITH RESPECT TO THIS PROGRAM WOULD CONTINUE WITHIN THE NEXT FEW WEEKS.

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, EMPLOYMENT, MEETINGS, ALIENS
Control Number: n/a
Copy: SINGLE
Sent Date: 15-Jul-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE164982
Document Source: CORE
Document Unique ID: 00
Drafter: JKGORDON:HC
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770251-0981
Format: TEL
From: STATE
Handling Restrictions:
Image Path:
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Legacy Key: link1977/newtext/t19770752/aaaabsyx.tel
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Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: c940c06a-c288-dd11-92da-001cc4696bcc
Office: ORIGIN SS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: STADIS
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Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1847334
Secure: OPEN
Status: NATIVE
Subject: MEMORANDUM FROM FONSEC ROEL MEETING BELOW IS TEXT OF MEMORANDUM GIVEN TO FONSEC ROEL AT HIS REQUEST, FOLLOWING HIS JULY 12 MEETING WITH THE SE
TAGS: PFOR, ELAB, MX, US, (VANCE, CYRUS R), (ROEL, SANTIAGO)
To: MEXICO
Type: TE
vdkgvkey: odbcr://SAS/SAS.dbo.SAS_Docs/c940c06a-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009